

**Before the State of South Carolina  
Department of Insurance**

In the matter of: )  
)  
Tammy L. McDowell )  
)  
180 Amber Lane )  
Conway, South Carolina 29526. )  
\_\_\_\_\_ )

SCDI File Number 2000-102684

**Default Order Revoking  
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2000), by the State of South Carolina Department of Insurance upon Tammy L. McDowell, a licensed South Carolina resident insurance agent, by both certified mail, return receipt requested, and by regular mail on June 27, 2000.

That letter informed McDowell of her right to request a public hearing upon the allegations of impropriety contained within the letter against her. The letter further warned that her failure to make a timely, written request would result in my summary revocation of her license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, as of January 22, 2001, McDowell had neither timely answered nor requested a public hearing. On that day, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for American Heritage Life Insurance Company, McDowell submitted fraudulent claims and converted a portion of the proceeds of the claims to her own use.

S.C. Code Ann. § 38-43-130 (Supp. 2000) provides “[t]he Director or his designee may revoke or suspend an agent’s license after ten day’s notice...when it appears that an agent...has willfully deceived or dealt unjustly with the citizens of this State.” Misappropriation, conversion, or unlawful withholding of monies belonging to insurers or others and received in the conduct of business under the license clearly constitutes “deceiving or dealing unjustly with the citizens of this state.”

In accordance with my findings of fact, and considering McDowell’s complete refusal to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that McDowell willfully deceived and dealt unjustly with the citizens of South Carolina, thereby violating S.C. Code Ann. § 38-43-130 (Supp. 2000) and that her resident insurance agent’s license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2000).

It is therefore ordered that Tammy L. McDowell's license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Tammy L. McDowell is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar  
Director

22 January 2001, at  
Columbia, South Carolina